BUDGET 2005

Ministry of
Skills Development and Labour

SERVICE PLAN
2005/06 – 2007/08

BRITISH
COLUMBIA

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National Library of Canada Cataloguing in Publication Data
British Columbia. Ministry of Skills Development and Labour.
Service Plan. — 2002/2003/2004/2005/2006/2007 —

Annual.
Continues: British Columbia. Ministry of Skills Development and Labour. Service Plan. ISSN 1705-415X.
ISSN 1705-415X = Annual service plan — British Columbia. Ministry of Skills Development and Labour

1. British Columbia. Ministry of Skills Development and Labour — Periodicals. 2. Labour Policy — British Columbia — Periodicals. 3. Technical Education — British Columbia — Periodicals. I. Title. II. Title: Ministry of Skills Development and Labour Service Plan ... annual service plan.

HD8109.B7B74 354.9'09711'05 C2003-96004-6

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Ministry of Skills Development and Labour

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Published by the Ministry of Skills Development and Labour

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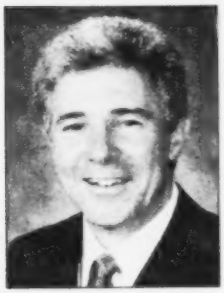


Message from the Minister and Accountability Statement

This Service Plan for the Ministry of Skills Development and Labour outlines the ministry's vision and goals as it moves forward, building on past achievements and milestones. The *New Era* commitments have been met and are on-track. Changes to ensure a fair and safe work environment have been made, and the ministry is positioned to move to ensure a productive labour relations climate, provide protection for workers and educate employers so B.C. continues to be the best place to live and work.

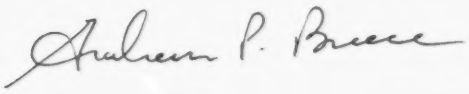
With more than a million job openings expected over the next decade, the ministry will continue to work towards identifying skills gaps, building partnerships with industry and labour and ensuring a harmonious, productive and competitive workplace is available for all workers.

Providing protection to our most vulnerable workers is a priority for the Employment Standards Branch. It will enhance relationships between employees and employers through education and innovative agreements, while carrying out audits and ensuring compliance with employment standards regulations.

The Labour Relations Board will continue to enhance its responsiveness, with a focus on the requirements of small businesses. Creating an industrial relations environment that meets the needs of employees, unions and employers by maintaining the accessibility of LRB services to all parties is a key priority.

The Workers' Compensation Board continues to improve its service-oriented focus to meet the needs of injured workers and employers, while strengthening its education efforts to raise the standards of workplace safety. A recent and important development has been the creation of the Forest Safety Council where, for the first time, all of the forest industry has come together in one organization dedicated solely to the promotion of safety.
The Workers' Compensation Appeal Tribunal is on track to eliminate a backlog of appeals that had previously been awaiting hearing by the Workers' Compensation Review Board or WCB Appeal Division by February 28, 2006.

The 2005/06 – 2007/08 Ministry of Skills Development and Labour Service Plan was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared. All material fiscal assumptions and policy decisions as of January 31, 2005 have been considered in preparing the plan and I am accountable for achieving the specific objectives in the plan.



Honourable Graham P. Bruce
Minister of Skills Development and Labour

February 4, 2005

Ministry Overview and Core Business Areas

Employment Standards

Employment standards activities aim to increase compliance with the *Employment Standards Act*. There are 112 staff in the branch serving in nine sites throughout the province, with a budget of $9,917,000. Specific initiatives will be undertaken beginning in the 2005/06 fiscal year to enhance the prevention and education component of the Employment Standards Branch's operations.

Industrial Relations

The ministry oversees the fair administration of B.C.'s industrial relations to promote a healthy labour relations environment. The LRB has a budget of $5,287,000 and 45 full-time equivalent positions. The Labour Relations Board will enhance procedures to handle disposition of complaints in an efficient and timely manner. The responsiveness of the LRB will be further enhanced, especially with regards to the manner it interacts with the requirements of small businesses. The Employment Standards Tribunal is also part of this core business area.

Workers' Compensation System

The ministry is responsible for the *Workers Compensation Act* (WCA), which provides a framework for promoting safe and healthy workplaces and sets out the workers' compensation system for B.C.

Executive and Support Services

The Executive and Support Services section of the ministry will maintain activities to support the government's goals of a strong and vibrant provincial economy, a supportive social infrastructure and safe and healthy communities. The productive dialogue between the ministry and its stakeholders in the labour community will continue. Executive and Support Services will work with employers, organized labour and other key stakeholders to provide progressive policy directions to advance overall government priorities for promoting harmonious and productive labour relations, skills development and labour stability in the province. There are 25 FTEs with a budget of approximately $3,573,000.

Resource Summary

The ministry received $1 million in additional funding to improve procedures at the Labour Relations Board, primarily focusing on small business, and to expand sector based programs to promote understanding of employers' and employees' rights under the *Employment Standards Act*.

Core Businesses	2004/05 Restated Estimates[1]	2005/06 Estimates	2006/07 Plan	2007/08 Plan
Operating Expenses ($000)				
Employment Standards	9,765	9,917	9,917	9,917
Industrial Relations	5,448	5,771	5,771	5,771
Workers' Compensation	1	1	1	1
Gross Expenditures	31,253	30,899	28,594	26,425
Recoveries	(31,252)	(30,898)	(28,593)	(26,424)
Executive and Support Services	3,048	3,573	3,373	3,373
Minister's Office	517	517	517	517
Program Management	2,531	3,056	2,856	2,856
Total	**18,262**	**19,262**	**19,062**	**19,062**
Full-time Equivalents (Direct FTEs)				
Employment Standards	109	112	112	112
Industrial Relations	48	48	48	48
Workers' Compensation	263	262	244	208
Executive and Support Services	23	25	25	25
Minister's Office	5	5	5	5
Program Management	18	20	20	20
Total	**443**	**447**	**429**	**393**
Ministry Capital Expenditures (Consolidated Revenue Fund) ($000)				
Employment Standards	677	677	326	326
Industrial Relations	20	20	20	20
Workers' Compensation	2,815	2,815	2,815	2,815
Total	**3,512**	**3,512**	**3,161**	**3,161**

[1] Amounts have been restated, for comparative purposes only, to be consistent with Schedule A of the *2005/06 Estimates*.

Vision, Mission and Values

Vision

A modern work environment for British Columbians that encourages innovation, rewards creative thinking and increases productivity. Employees and employers are treated fairly and equitably. A prosperous British Columbia where employers and employees have confidence in the future.

Mission

The mission of the Ministry of Skills Development and Labour is to create an employment environment with dynamic workplaces that meet the needs of workers, employers and unions. Vulnerable workers will be protected. The ministry will ensure that British Columbians have the tools they need to foster working relationships in safe and healthy workplaces. It will develop programs and legislation that contribute to provincial competitiveness and prosperity.

Values

The following values underlie the goals established by the Ministry of Skills Development and Labour:

1. ***Fairness*** — We seek fair and balanced workplaces in all sectors and will ensure that all related ministry decisions are made in a consistent, professional, fair and balanced manner.
2. ***Competitiveness*** — We support a competitive business environment that attracts investment to British Columbia and retains our skilled employees.
3. ***Respect*** — We will protect the most vulnerable employees in the province and ensure they are treated equitably, compassionately and respectfully.
4. ***Simplicity*** — We will encourage small businesses to prosper through simple and streamlined processes.
5. ***Responsiveness and Flexibility*** — We strive to be relevant and responsive to constantly changing workplaces and enhance timely decision-making.
6. ***Accountability*** — We adhere to sound fiscal responsibility and management and the implementation of affordable public policies.
7. ***Teamwork*** — We value the hard work and expertise of all ministry employees.

Goals, Objectives, Strategies and Results

The following pages provide an overview of key ministry goals for each core business area, the strategies that will be used to meet these goals and the measures that will be used to determine progress. During the next three years, ministry resources will be focused on achieving the goals and objectives set out here. These goals and objectives are consistent with the ministry's vision of a modern work environment for British Columbians that treats employees and employers fairly and equitably, increases productivity and contributes to the prosperity of British Columbia. Each of the goals listed below are related to one of the ministry's core business areas.

Government Strategic Goals

A strong and vibrant provincial economy.
Safe, healthy communities and a sustainable environment.

Ministry Mission

The mission of the Ministry of Skills Development and Labour is to create an employment environment with dynamic workplaces that meet the needs of workers, employers and unions. Vulnerable workers will be protected. The ministry will ensure that British Columbians have the tools they need to foster working relationships in safe and healthy workplaces. It will develop programs and legislation that contribute to provincial competitiveness and prosperity.

Ministry Goals	Ministry Objectives	Performance Measures
1. Fair and balanced employment standards that promote mutually beneficial relationships between employees and employers.	1. Enhance the prevention and early intervention functions of the Employment Standards Branch.	Complaints received by ESB. Speaking engagements and training sessions. ESB website hits. Percentage of workforce in industries covered by initiatives. Contraventions in industries covered by initiatives.
	2. Resolve employment standards disputes prior to adjudication.	Self-help Kit downloads. Proportion of cases closed prior to adjudication. Timeliness of cases addressed prior to adjudication.
	3. Ensure the quality and consistency of determinations issued by the Employment Standards Branch, thereby reducing the number of decisions overturned by the Employment Standards Tribunal.	Timeliness of cases at the adjudication stage or later. Determinations upheld by the EST.
	4. The Employment Standards Tribunal continues to provide timely, consistent and quality decisions.	Days lapsed from appeal or reconsideration to disposition. Percentage of cases decided within 90 days of appeal. Percentage of decisions received within 20 days of assignment. Percentage of reconsiderations confirming original decision.

Government Strategic Goals

A strong and vibrant provincial economy.
Safe, healthy communities and a sustainable environment.

Ministry Mission

The mission of the Ministry of Skills Development and Labour is to create an employment environment with dynamic workplaces that meet the needs of workers, employers and unions. Vulnerable workers will be protected. The ministry will ensure that British Columbians have the tools they need to foster working relationships in safe and healthy workplaces. It will develop programs and legislation that contribute to provincial competitiveness and prosperity.

Ministry Goals	Ministry Objectives	Performance Measures
2. Promote good relationships in the labour relations community from which productive and competitive workplaces can be developed.	1. Encourage confidence in the Labour Relations Board.	Number of LRB website hits. Number of issues brought to the attention of the LRB addressed before becoming formal applications.
	2. Increase number of *Labour Relations Code* applications that are resolved prior to adjudication.	Number of applications and complaints disposed of. Percentage of disputes settled without formal decision/order.
	3. Increase collective bargaining mediation success rate.	Percentage of mediation applications settled. Number of mediator appointments.
	4. Issue decisions in a timely manner.	Average number of backlog cases. Average number of days from receipt of application to decision.
3. Safe and healthy workplaces and workers' compensation system that is responsive to the needs of employees and employers alike.	1. Better compliance with the *Workers Compensation Act* and the Occupational Health and Safety Regulation by providing responsive, independent and expert advice, assistance and representation to workers and employers.	Inquiries responded to by Workers' Advisers Office. Number of WAO self help kits distributed. WAO public education seminar participation. Employers' Advisers Office seminar participation.
	2. Increase efficiency of appeal system.	Number of workers appeals impacted by the WAO as a proportion of all appeals in the system. Number of appeals impacted by the EAO as a proportion of all appeals in the system. EAO Appeal Intervention closures. Backlog of appeals acquired from old system at implementation of WCAT.

Goal 1: *Fair and balanced employment standards that promote mutually beneficial relationships between employees and employers.*

Objective 1: *Enhanced prevention and early intervention functions of the Employment Standards Branch.*

Strategies:

1. *Provide advice and support services for employers and employees by improving availability of employment standards and dispute resolution information.*
2. *Increase employers' and employees' awareness, knowledge and understanding of the* Employment Standards Act *by working together with industry and the labour community on education and awareness initiatives.*
3. *Through the use of sector specific initiatives, foster mutual co-operation between government, industry and employees and ensure contraventions of the* Employment Standards Act *are identified and corrected.*

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Complaints received by ESB.[1]	5,799	4,800	Reduction over base indicating the success of prevention and early intervention initiatives.		
Speaking engagements, training sessions and seminars.[2]	75 sessions	69 sessions	Increase over base indicating increased emphasis on education as a means of promoting awareness.		
ESB[3] website hits.	443,888	440,000	Constant or increase public usage of the ESB website indicating increasing level of knowledge and awareness.		
Percentage of workforce working in industries covered by sector specific initiatives.[4]	10.4%	10.4%	Increase over base indicating ESB's emphasis on measures that foster mutual cooperation.		

[1] 90-95% of all complaints received by ESB have been found to have merit.

[2] As the public becomes more aware of entitlements and obligations under the *Employment Standards Act*, the number of requests for speaking engagements decreases. Since the changes to the *Employment Standards Act* in 2002, the focus of the Employment Standards Branch has been on new service delivery process and educating Branch staff rather than outreach to the public. Education of the workforce impacted by sector specific initiatives will become a priority for the Branch in 2005/06.

[3] Employment Standards Branch.

[4] Initiatives may include partnership agreements, such as Memoranda of Understanding, or targeted enforcement operations. These partnership agreements are designed to foster mutual co-operation and communication between government, industry and employees and also protect vulnerable employees while increasing prosperity in the workplace. Data is calculated by dividing the number of persons working in the restaurant and food services industry and the primary agricultural production sector by the total number of paid employees working in British Columbia.

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Contraventions within industries covered by sector specific initiatives.[5]	374	278	See footnote.	See footnote.	See footnote.

[5] It is anticipated that the number of contraventions within industries covered by sector specific initiatives will increase over the short to medium term as the knowledge and awareness of employment standards increases. Over the longer term, however, it is anticipated that the number of contraventions will decrease as employers and employees mutually develop a better understanding of employment standards.

Objective 2: *Employment standards disputes resolved prior to adjudication.*

Strategies:

1. *Provide advice and support services for employers and employees through improving availability of employment standards and dispute resolution information.*
2. *Support early intervention and alternative dispute resolution in employment standards disputes by supporting the new complaint resolution model, which mandates the use of self-help materials and mediation prior to adjudication.*

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Self-help Kit downloads.[1]	42,720	32,500	Constant use of self-help kits indicating increased knowledge, awareness and availability of dispute resolution information (see footnote).		
Proportion of cases closed prior to adjudication.	81%	76%	Increase over Estimate indicating increased reliance on and the effectiveness of alternative dispute resolution efforts.		
Timeliness of cases addressed prior to adjudication.[2]	This is a new measure introduced in the 2005/06 Service Plan. Data to commence in 2005/06.[3]				

[1] The self-help kit was a new concept developed and produced during 2003/04 generating much interest. The public has familiarized itself with the kit, and the number of kits downloaded has decreased.

[2] It is the policy of the Employment Standards Branch to ensure that cases involving wages owed receive priority consideration.

[3] By 2005 the Employment Standards Branch will have a new computer system in place that will provide detailed timeliness data. It is a fundamental objective of the Branch to reduce the number of days to resolve cases prior to adjudication.

Objective 3: *Ensure the quality and consistency of determinations[1] issued by the Employment Standards Branch, thereby reducing the number of decisions overturned by the Employment Standards Tribunal.*

Strategy:

1. *Improve the efficiency and effectiveness of Employment Standards Branch decision-making through advanced training for officers, clear policy direction and the sharing of best practices.*

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Timeliness of cases addressed at the adjudication stage or later.	This is a new measure introduced in the 2005/06 Service Plan. Data to commence in 2005/06.[1]				
Determinations upheld by the EST.	70%	70%	Increase over the base indicating the improved effectiveness of ESB decision-making.		

[1] By 2005 the Employment Standards Branch will have a new computer system in place that will provide detailed timeliness data. It is a fundamental objective of the Branch to reduce backlogs and streamline decision-making, thereby decreasing the number of days to address cases at the adjudication stage or later.

Objective 4: *The Employment Standards Tribunal continues to provide timely, consistent and quality decisions.*

Strategy:

1. *Ensure systems are in place to track productivity.*

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Days lapsed from appeal or reconsideration to disposition (average).	90	90	Constant over 2004/05 estimate.		
Per cent of cases decided within 90 days of date of appeal.	62%	65%	Constant over 2004/05 estimate.		
Per cent of decisions received within 20 days of assignment to a Member of the Tribunal.	90%	90%	Constant over 2004/05 estimate.		
Per cent of reconsideration request decisions that confirm the original appeal decision.	83%	85%	Constant over 2004/05 estimate.		

[1] A determination is a legally enforceable decision made by the branch regarding an employer / employee issue under the *Employment Standards Act*.

Goal 2: *Promote good relationships in the labour relations community from which productive and competitive workplaces can be developed.*

Objective 1: *Encourage confidence in the Labour Relations Board.*

Strategies:

1. *Provide information to Labour Relations Board clients about the* Labour Relations Code *and industrial relations practices.*
2. *Create an industrial relations environment that is responsive to the needs of employees, unions and employers by maintaining the accessibility of Labour Relations Board services to all parties and streamlining their administrative requirements.*

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Number of LRB website hits.	239,429	241,000	increased usage over base indicating improved access to LRB information and services.		
Number of issues brought to the attention of the LRB that are addressed before becoming formal applications.		New measure introduced in 2005/06 Service Plan — data collection underway.	Baseline data.	Increase over base indicating effectiveness in streamlining services and administrative requirements.	

Objective 2: *Increase number of* Labour Relations Code *applications that are resolved prior to adjudication.*

Strategies:

1. *Provide information to Labour Relations Board clients about the* Labour Relations Code *and industrial relations practices.*
2. *Ensure Labour Relations Board operations are suited to today's work environment by continuing to apply the duties enshrined in the* Labour Relations Code, *such as encouraging cooperation between employers and trade unions in resolving workplace issues, adapting to changes in the economy, developing workforce skills and developing a workforce and a workplace that promotes productivity.*
3. *Encourage alternative dispute resolution processes.*

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Number of applications and complaints disposed of.[1, 2]	2,565	2,350 – 2,580	Constant over Base.[3]		
Percentage of disputes settled without formal decision, order or declaration.[4]	60-65%	70-75%	Increase over base indicating greater emphasis on alternative dispute resolutions.		

[1] The range for 2003/04 to 2004/05 takes into account a number of substantial operative changes within the LRB that occurred in 2002/03. These include a reduction in staffing and budgetary allotments and the reduction in the number of Vice-Chairs.

[2] Number of applications and complaints disposed of includes mediations, adjudications and Collective Agreement Arbitration Bureau appointments. "Disposed of" means an Arbitrator or Mediator-Arbitrator has been appointed.

[3] This target indicates the volume of activity at the LRB. It is anticipated that there may be a reduction in the number of applications and complaints as the number of disputes that are settled without formal decision increase. However, other social and economic factors external to the LRB will impact the number of applications that come before the Board.

[4] Disputes that come to the LRB include: unfair labour practice complaints (ss. 5-12), applications under sections 32 and 45 and Part 5 applications (ss. 57-70). Applications under sections 55 and 74 of the *Labour Relations Code* are excluded from this calculation and are instead listed separately under Objective 2.

Objective 3: *Increase collective bargaining mediation success rate.*

Strategy:

1. Encourage the use of collective bargaining mediation.

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Percentage of mediation applications settled (ss. 55 and 74).	75.4%	75-80%	Increase over base indicating the enhanced use of collective bargaining mediation.		
Number of mediator appointments.	128	Increase over base. The greater number of mediator appointments indicates enhanced use of collective bargaining mediation.			

Objective 4: *Issue decisions in a timely manner.*

Strategy:

1. Ensure systems are in place to ensure resolution within appropriate timelines.

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Average number of backlog cases.[1]	35	35	Decrease over base indicating improved timeliness in resolving cases.		
Average number of days from receipt of application to decision.		New measure introduced in 2005/06 Service Plan — data collection underway.	Base data.	Decrease over base indicating improved timeliness in issuing decisions.	

[1] In general, a case is seen as part of the backlog if it has been assigned for more than 90 days and no hearing will be held, or where a hearing has been completed and more than 45 days have passed.

Goal 3: *Safe and healthy workplaces and a workers' compensation system that is responsive to the needs of employees and employers alike.*

Objective 1: *Better compliance with the* Workers Compensation Act *and the Occupational Health and Safety Regulation by providing responsive, independent and expert advice, assistance and representation to workers and employers.*

Strategy:

1. Facilitate workers' and employers' understanding of the workers' compensation system by providing information and assistance to workers and employers.

Performance Measures[1]	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Inquiries responded to by Workers' Advisers Office.[2]	133,850	130,500	Constant over 2004/05 estimate.		
Number of Workers' Advisers self help kits distributed.	New data in 2004/05	6,400	Increase over 2004/05 estimate.		
Workers' Advisers Office public education seminar participation.[3]	450	290[4]	Increase over 2004/05 estimate.		
Employers' Advisers Office information and skills development seminar participation.[5]	5,052	4,300	Increase over 2004/05 estimate.		

[1] The WCB produces an annual report which provides detailed information on strategies, services and measures for its own objectives. In 2003, through the combined efforts of workers, employers, employers' associations, unions and the WCB, the injury rate in B.C. workplaces reached an all-time low of 3.0 short-term injuries per 100 person-years of employment — a 42 per cent decrease since 1994. In 2003, this translated to roughly 36,000 fewer workers being injured and a cost savings of $500 million. Employer premiums remained essentially flat in 2003 compared to the previous year.

[2] Documented brief service advice. Does not include general inquiries.

[3] Individual participants. Includes injured workers, worker representatives, constituency assistants and other public groups who attend WAO seminars on using the workers' compensation system. Increase from 2005/06 onward assume a modest increase due to anticipated growth in employment rates, particularly in the construction industries.

[4] Decrease in education seminar participation from 2003/04 - 2004/05 due to delay in recruiting training personnel.

[5] Individual participants. Includes employers, workers, safety committee members and professionals who attend EAO seminars on various components of workers' compensation legislation.

Objective 2: *Increase efficiency of appeal system.*

Strategies:

1. *Eliminate appeal backlog.*
2. *Maintain tribunal practices and procedures that permit WCAT to meet statutory timeframes for deciding appeals.*
3. *Improve the efficiency and responsiveness of the appeal system through providing direct assistance, guidance and service to workers and employers.*

Performance Measures	2003/04 Base	2004/05 Estimate	2005/06 Target	2006/07 Target	2007/08 Target
Number of workers' appeals impacted by the Workers' Advisers as a proportion of all appeals in the system.		New measure in the 2005/06 Service Plan. Data to commence in 2005/06.			
Number of appeals impacted by the EAO as a proportion of all appeals in the system.		8% New measure in the 2005/06 Service Plan.	Number of appeals impacted expected to remain constant — proportion dependent upon the number of appeals for any given year.		
Employers' Advisers Appeal Intervention closures.[1]		450	475	500	500
Backlog of appeals acquired from old system at implementation of WCAT.[2]	10,787	5,606	0	0	0

[1] The number of appeals or potential appeals that Employers' Advisers have recommended to employers not proceed in the appeal system.

[2] WCAT acquired 22,425 appeals from the old system on March 3, 2003.

Related Initiatives and Planning Processes

Deregulation and Regulatory Reform

The Ministry of Skills Development and Labour and the Workers' Compensation Board have succeeded in meeting the objective of reducing their regulatory burden by one third.

The ministry and the WCB will continue to implement the government's deregulation and regulatory reform policy by simplifying and reducing unnecessary regulatory regimes and by ensuring that any new regulation is necessary.

Performance Measures	Performance Measures	2004/05 Target Actual/Base	2005/06 Target	2006/07 Target	2007/08 Target
Ministry of Skills Development and Labour.	Regulatory Count	5,275	0% increase.	0% increase.	0% increase.
Workers' Compensation Board.	Regulatory Count	24,008	As above.	As above.	As above.

Overviews of Human Resource Plan

A summary of the ministry Human Resource Management Plan is available on the ministry website at http://www.labour.gov.bc.ca/relatedinitiativesandplanningprocesses/overview.html.

Information Resource Management Plan

A summary of the ministry Information Resource Management Plan is available on the ministry website at http://www.labour.gov.bc.ca/relatedinitiativesandplanningprocesses/overview.html.